

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 16, 2006

Division: Growth Management

Bulk Item: Yes No X

Department: Planning and Environmental Resources

Staff Contact: Ty Symroski

AGENDA ITEM WORDING: A public hearing to transmit Comprehensive Plan Amendments based on the Evaluation and Appraisal Report (EAR) for the Monroe County Year 2010 Comprehensive Plan.

ITEM BACKGROUND: The EAR was adopted by the BOCC on August 18, 2004. The EAR established a set of amendments to the Comprehensive Plan that would improve the Plan's ability to address the County's needs. Since the adoption of the EAR on August 18, 2004, Monroe County has adopted a series of Comprehensive Plan Amendments to establish the Tier system. These amendments to create the Tier system addressed a number of the amendments that were required in the EAR. As a result of adopting the Tier amendments, the County is left with a series of "housekeeping" amendments that are necessary to complete the actions identified in the EAR.

It is important to note that although the Comprehensive Plan Amendments to establish the Tier system have been adopted and approved, the Land Development Regulations to implement the Tier system have been appealed and are currently not in effect.

In conclusion, this set of EAR-based amendments can be categorized as deletion of obsolete objectives and policies, and amendments reflecting new strategies for implementation, or amendments to reflect changed conditions or the completion of an objective.

PREVIOUSLY RELEVANT BOCC ACTION:

April 15, 1993- Adoption of the Monroe County Year 2010 Comprehensive Plan.

August 2004- Adoption of the Evaluation and Appraisal Report for the Monroe County Comprehensive Plan.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATION: Approval.

TOTAL COST: N/A

BUDGETED: N/A No

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes No X

AMOUNT PER MONTH N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


Ty Symroski

DOCUMENTATION: Included X

Not Required

DISPOSITION:

AGENDA ITEM #

RESOLUTION NO. -2006

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS, COMPREHENSIVE PLAN AMENDMENTS BASED ON THE EVALUATION AND APPRAISAL REPORT (EAR) OF THE ADOPTED MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN.

WHEREAS, the Board of County Commissioners make the following findings of fact:

1. The Board of County Commissioners at an advertised public hearing reviewed and adopted the Evaluation and Appraisal Report on August 18, 2004.
2. The Florida Department of Community Affairs posted a notice of sufficiency for the Evaluation and Appraisal Report on December 15, 2006.
3. The Monroe County Planning Commission, acting as the designated Local Planning Agency, reviewed the proposed EAR-based Comprehensive Plan Amendments, held an advertised public hearing on June 14, 2006 provided for participation by the public in the process, and rendered its recommendations to the Board of County Commissioners.
4. The Board of County Commissioners has reviewed the proposed EAR-based Comprehensive Plan Amendments, held an advertised public hearing on August 16, 2006 and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

- Section 1.** The Board of County Commissioners does hereby adopt the recommendation of the Local Planning Agency pursuant to the draft ordinance for the adoption of the proposed amendment to the Monroe County Year 2010 Comprehensive Plan; and
- Section 2.** The Board of County Commissioners does hereby transmit the proposed amendment to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Sections 163.184 and 380.0522, Florida Statutes; and
- Section 3.** The Monroe County Staff is given the authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirement of 9J-11.0006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a copy of this resolution to the Director of Planning and Environmental Resources.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 16th day of August, A.D., 2006.

Mayor Charles "Sonny" McCoy _____
Mayor Pro Tem Dixie Spehar _____
Commissioner George Neugent _____
Commissioner _____
Commissioner Glenn Patton _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

Jerry D. Sanders
JERRY D. SANDERS 8/17/06
ASSISTANT COUNTY ATTORNEY

ORDINANCE NO. _____ - 2007

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF MONROE COUNTY, FLORIDA ADOPTING AMENDMENTS TO THE MONROE COUNTY 2010 COMPREHENSIVE PLAN BASED ON THE FINDINGS OF THE ADOPTED EVALUATION AND APPRAISAL REPORT(EAR) FOR THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO TRANSMIT A COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature intends for local planning to be a continuous and ongoing process; and

WHEREAS, the Monroe County Board of County Commissioners adopted the Monroe County Comprehensive Plan on April 15, 1993; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to adopt needed amendments to ensure that the plan provides appropriate policy guidance for growth and development; and

WHEREAS, the Monroe County Board of County Commissioners makes the following findings of fact:

1. The Monroe County Planning Commission, acting as the designated Local Planning Agency, has reviewed the Evaluation and Appraisal Report, held an advertised public hearing on August 11, 2004, provided for participation by the public in the process, and rendered its recommendations to the Board of County Commissioners.

2. The Board of County Commissioners has reviewed the Evaluation and Appraisal Report, held an advertised public hearing on August 18, 2004, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

3. The Monroe County Planning Commission, acting as the designated Local Planning Agency, has reviewed the proposed EAR-based Comprehensive Plan Amendments, held an advertised public hearing on June 14, 2006 provided for participation by the public in the process, and rendered its recommendations to the Board of County Commissioners

4. The Board of County Commissioners has reviewed the proposed EAR-based Comprehensive Plan Amendments, held an advertised public hearing on August 16, 2006 and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1: Policies 102.5.2 and 102.5.5 of the Monroe County Comprehensive Plan are deleted.

Section 2: Policies 103.1.5 and 103.1.6 of the Monroe County Comprehensive Plan are deleted.

Section 3: Policies 103.3.1 and 103.3.2 of the Monroe County Comprehensive Plan are deleted.

Section 4: Objective 202.6 and Policies 202.6.1, 202.6.2 and 202.6.3 of the Monroe County Comprehensive Plan are deleted.

Section 5: Policy 101.9.4 of the Comprehensive Plan is amended as follows:

Policy 101.9.4

The County shall use the adopted Stormwater management Master Plan as a guide for stormwater management to protect personal property and to protect and improve water quality.

Section 6: Policy 204.3.1 of the Comprehensive Plan is amended as follows:

Policy 204.3.1

The Monroe County Growth Management Division shall be responsible for coordinating with other agencies in developing and administering the wetlands restoration program.

Section 7: Policy 204.4.1 of the Comprehensive Plan is amended as follows:

Policy 204.4.1

The Monroe County Growth management Division in conjunction with the Monroe County Land Authority and other federal and state

agencies will develop and administer the wetlands acquisition program as part of the Monroe County Land Acquisition Master Plan.

Section 8: Policy 207.8.8 of the Comprehensive Plan is amended as follows:

Policy 207.8.8

Monroe County shall support and when appropriate, assist the efforts of non-profit conservation groups.

Section 9: Policies 207.9.3, 207.9.5, and 207.9.6 of the Monroe County Comprehensive Plan are deleted.

Section 10: Policy 207.11.4 of the Comprehensive Plan is amended as follows:

Policy 207.11.4

Potential introduction sites for the Stock island tree snail which are not currently in public ownership shall be designated as priority acquisition sites for conservation purposes. Acquisition shall be considered through the Monroe County Land Acquisition Master Plan.

Section 11: Policy 207.12.2 of the Comprehensive Plan is amended as follows:

Policy 207.12.2

Sites identified pursuant to Policy 207.12.1 shall be identified as priority acquisition sites for conservation purposes. Particular emphasis shall be placed upon acquisition of identified wetland and native upland sites which are located within Improved Subdivisions. Acquisition shall be considered through the Monroe County Land Acquisition Master Plan.

Section 12: Policy 216.1.2 of the Comprehensive Plan is amended as follows:

Policy 216.1.2

Monroe County will initiate an interlocal agreement with all municipalities within Monroe County. The agreement shall establish an entity comprised of representatives of all the jurisdictions which shall be responsible for:

1. allocating the relative proportions of future residential development within the four jurisdictions consistent with the Permit Allocation System;
2. establishing a system to monitor future development within the jurisdictions; and
3. mediating disputes between the jurisdictions regarding the allocation of future development.

Monroe County shall seek the assistance of the Florida Department of Community Affairs and/or the South Florida Regional Planning Council to ensure execution of the agreement and subsequent compliance.

Section 13: Policies 216.2.2 and 21.6.2.3 of the adopted Monroe County Comprehensive Plan are deleted.

Section 14: Create New Policy 216.2.2 to read as follows:

Policy 216.2.2

Monroe County shall coordinate with the State and Federal agencies to establish a dedicated Category 5 Emergency Operations Center.

Section 15: Create new Policy 901.1.5 to read as follows.

Policy 901.1.5

The Permit Allocation and Point System shall award positive points for development proposed to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1

Section 16: Policies 901.1.5, 901.1.6, 901.1.7, 901.1.8, 901.2.3, 901.2.4, 901.2.5, 901.2.6, 901.2.8, and 901.2.9 of the adopted Monroe County Comprehensive Plan are deleted. .

Section 17: Amend Policy 901.3.1 of the Comprehensive Plan to read as follows:

Policy 901.3.1

The Permit Allocation and Point System for new residential and non-residential development shall award positive points for development proposed to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

Section 18: Amend Objective 901.4 of the Comprehensive Plan to read as follows:

Objective 901.4

Monroe County shall implement the findings of the Sanitary Wastewater Master Plan, the County shall use the adopted Sanitary Wastewater Master Plan as a guide for implementation of central sewer projects.

Section 19: Policies 901.4.1 and Policy 901.4.2 of the Monroe County Comprehensive Plan are deleted.

Section 20: Amend Policy 901.5.3 of the Comprehensive Plan to read as follows:

Policy 901.5.3

Monroe County shall implement the findings of the Sanitary Wastewater Master Plan, the County shall use the adopted Sanitary Wastewater Master Plan as a guide for implementation of central sewer projects.

Section 21: Amend Policy 1001.1.1 of the Comprehensive Plan to read as follows:

Policy 1001.1.1

Monroe County shall use the adopted Stormwater Management Master Plan as a guide for stormwater management to protect personal property and to protect and improve water quality.

Section 22: Policy 1001.3.1, 1001.3.2, and 1001.3.3 of the Comprehensive Plan are deleted.

Section 23: Create new Policy 1001.3.1 of the Comprehensive Plan to read as follows:

Policy 1001.3.1

Monroe County shall implement the findings of the adopted Stormwater Management Master Plan and use the document as a guide for stormwater management to protect personal property and to protect and improve water quality.

Section 24: Amend Policy 1301.6.6 of the Comprehensive Plan to read as follows:

Policy 1301.6.6

The Monroe County Growth management Division in conjunction with the Monroe County Land Authority and other federal and state agencies will develop and administer the wetlands acquisition program as part of the Monroe County Land Acquisition Master Plan.

Section 25: If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 26: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein

shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 27: This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 28: This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs or Administration Commission in accordance with the requirements of 9J-11.011, Florida Administrative Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, 2007.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Dixie Spehar
Commissioner George Neugent
Commissioner _____
Commissioner Glenn Patton

(Seal)

Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
MONROE COUNTY, FLORIDA

Attest: _____
Deputy Clerk

By: _____
Mayor/Chairperson

